

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
MONDAY, FEBRUARY 23, 2009  
1:30 PM

The Workshop Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Susan Whelchel at 1:30 p.m.

ATTENDING THE MEETING WERE:

Mayor Susan Whelchel  
Council Member M. J. Mike Arts  
Council Member Bill Hager  
Council Member Susan Haynie  
Council Member Michael Mullaugh

Also attending the meeting were:

City Manager Leif J. Ahnell  
City Attorney Diana Grub Frieser  
City Clerk Sharma Hagerty

**PROCLAMATION:** Purchasing Month – March 2009

Lynn Kunkel, Purchasing Manager, and Merv Timberlake, Director of Financial Services, accepted the proclamation from Mayor Whelchel on behalf of the purchasing staff.

**1. BOARD INTERVIEWS:**

- a. Marine Advisory Board – two (2) vacancies; one (1) for a unit owner in a condominium adjacent to an inland waterway (boater or non-boater) and one (1) for a person affiliated with the Boca Raton Coast Guard Auxiliary.

Arthur Grossman and Thomas Thayer expressed interest in reappointment.

**2. PUBLIC REQUESTS:**

Rick Versace, owner of A1A Airport and Limousine Service, opined that passage of Ordinance No. 5083, which Council would consider tomorrow night, would be detrimental to the City; he then provided statements in support of his position.

Dick Robinson, a member of the Police and Firefighters' Pension Board, referred to a letter he received regarding inadequate Board attendance and explained his attendance record.

**3. REVIEW OF REGULAR AGENDA ITEMS:**

- a. Questions relating to the agenda.

(Consent Agenda Item No. 3.g. – Resolution No. 23-2009 / Supporting House Bill 189 and Senate Bill 922, amending Florida Statutes to eliminate the prohibition of breed-specific local government regulation of dangerous dogs) Council Member Haynie questioned how passage of the two bills would translate into keeping neighborhoods safe. The City Manager explained that it would allow local governments to adopt their own legislation to regulate/control dangerous dogs. He then confirmed with Council that, although the City did not have an animal control department, it could go forward with an ordinance and work either in conjunction with the County or on its own to handle the issue. However, nothing can take place at this time until the Legislature takes action, at which point the City would then know what it could and could not do. He noted that the exception was Dade County, which adopted its own legislation in the 1980s before the State Legislature did so and was, therefore, grandfathered in. Mayor Whelchel and Council Member Mullaugh provided additional commentary.

Council Member Hager questioned what science the City would use and/or how the City was to identify breeds that might be dangerous. Mr. Ahnell explained that Dade County looks at dogs that have the highest propensity to bite, saying Dade County listed quite a few animals. He also noted that the bill amendment strikes out or eliminates breed-specific language, allowing cities and counties to make determinations based on science and/or propensity to bite. Council Member Haynie advised that she and Council Member Hager would be attending the Palm Beach County League of Cities Board of Directors meeting on Wednesday, at which time they would attempt to obtain the support of the League.

(Consent Agenda Item 3.h. – Resolution No. 25-2009 / A grant from the State of Florida Department of Environmental Protection Agency for the State of Florida Legislative Project Grant Agreement LP8905 – City of Boca Raton Intracoastal Parallel Force Main) Council Member Arts commended the Utility Services Department for applying for this grant and for moving forward with the project, itself, which would provide redundant systems to preclude the possibility of raw sewage accidentally entering the Intracoastal Waterway.

(Consent Agenda Item Nos. 3.k. and 3.l. – Resolution Nos. 28-2009 and 29-2009 / Agreement for consulting services with Glatting Jackson Kercher Anglin, Inc. and approving Work Order No. 1, respectively, related to the Transportation Design for Livable Communities application for Federal Highway in the downtown and developing Urban Transportation Design Guidelines for the downtown) Council Member Arts asked for clarification of these items. The City Manager explained that the FDOT (Florida Department of Transportation) controls Federal Highway in the downtown. In order for the City to move forward with plans for the downtown, it must go through FDOT's process, specifically, a Transportation Design for Livable Communities study, and demonstrate that it can do something different and supportable by FDOT, such as landscaping along roadways, wider sidewalks, and so forth; only then will FDOT sign off on the endeavor. These two items represent contracts with the engineers who will perform the work necessary in order to have the FDOT sign off on the project(s). Mr. Ahnell added that, once this action is completed, the City will essentially have control of Federal Highway in the downtown; without taking this action, the City can do nothing more than it has already done.

(Consent Agenda Item No. 3.n. – Resignation letter from David Birkman) Council Member Arts suggested that, should Mr. Birkman – who resigned to run for Council and subsequently withdrew from the race – wish to remain on the Financial Advisory Board, he would like to pull this item tomorrow night and vote on it separately. Mr. Ahnell indicated that, per procedure, the resignation was final and advised that Mr. Birkman was welcome to reapply. Responding to Council, the City Clerk advised that Mr. Birkman was contacted; it appeared he did not wish to reapply.

(Consent Agenda Item No. 3.a.1. – Reclaimed Water Production Facility Expansion) Council Member Hager asked the City Manager to speak about the value of this item to the community. The City Manager explained that, over the next five years, the City hoped to be able to recycle all wastewater and use same for landscaping irrigation. This contract increases the plant capacity at the Glades Road facility where the water is processed; capacity would increase from 10 million gallons per day to 17.5 million gallons per day.

(Consent Agenda Item No. 3.c. – Automated Fuel Management and Inventory System / Replacement) Council Member Hager questioned whether security was sufficient to preclude pilfering. The City Manager answered affirmatively and advised that the old software system is antiquated and no longer supported by the company; the new software system has all modern features and would allow the City to equally, or better, control fuel being dispensed for City vehicles.

(Consent Agenda Item No. 3.m. – Resolution No. 30-2009 / Agreement with the Department of the Army to provide reimbursement for the second North Boca Raton Beach Renourishment Shore Protection Construction project) Council Member Hager requested the status of this item. Mr. Ahnell explained that the City had hoped to move forward with this project last year and had, in fact, bid it out at a good price, specifically, \$2 million under budget. However, the Army Corp of Engineers misplaced the paperwork necessary to issue the permit. They have since issued the permit and the City will now rebid this item for next fall; hopefully, the price will be good.

Council Member Hager referred to the falling of the U.S. stock market and asked the City Manager to comment on its impact on unfunded liabilities in the City's pension plans. Mr. Ahnell advised that he would respond under, "Council Member Reports."

Mayor Whelchel referred to a meeting with Congressman Ron Klein, saying he made it clear there is no money in the stimulus package for beach renourishment; she would provide additional information on that meeting tomorrow night.

**4. FUTURE AGENDA MATTERS/ITEMS OF COUNCIL/PUBLIC CONCERN:**

a. Quarterly Goals Update

Assistant to the City Manager, Susan Saxton, gave a PowerPoint presentation and provided a brief overview of the third quarterly goals update to the strategic plan. She reviewed the status of the City's priorities, which were as follows: 1) operate with a balanced budget, 2) maintenance of essential services (specifically, police, fire, and municipal), 3) downtown vision and plan, 4) FAU strategy/hospital project/I-Interchange, and 5) retirement/pension cost containment strategy. There followed the City's high priorities, which were: 1) Multimodal Transportation District (MMTD)/Citywide Mobility strategy, 2) North Federal Highway Development Project and Beautification, and 3) establish partnerships for economic development. Lastly, Ms. Saxton reviewed the status of the City's goals: 1) employee recruitment, retention, and career pathing, 2) Comprehensive Environmental Initiative, 3) Annexation, 4) Integrated Technology Strategy, 5) Branding, and 6) Wildflower property direction and alternatives. Details were provided on all the above.

**5. CITY MANAGER REPORTS:**

The City Manager had nothing to report at this time.

**6. CITY ATTORNEY REPORTS:**

The City Attorney advised that she would seek authorization tomorrow night to schedule an executive session related to the SFCS litigation (western library).

**7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:**

Council Member Arts referred to the MPO (Metropolitan Planning Organization) meeting he attended with Council Member Haynie last Thursday wherein the stimulus package was discussed in terms of transportation dollars. He reported that it appears the County will receive approximately \$20 million for transportation. Of that, the County, itself, will receive approximately \$9 million; the balance would be distributed throughout communities in Palm Beach County. He advised that the one project in the works for the City is the widening of NW 12<sup>th</sup> Avenue, which would cost about \$5 million. He also noted that it would be difficult to conform to Federal requirements connected with use of the funds, particularly the environmental requirements, and closed by stating that the MPO anticipated approving its plan for submittal to the governor and, ultimately, the Federal government, in March. Responding to Council Member Hager, Mr. Arts advised that no requirements for any "takedowns" were added. Council Member Haynie noted that the MPO originally put forward the City's SW 18<sup>th</sup> Street bike path project but were reminded that it was already fully funded; therefore, the substitution of the NW 12<sup>th</sup> Avenue project was requested. Ms. Haynie also referred to a required environmental statement, which is needed to qualify for Federal funding, and suggested that work begin right away to develop same. She then spoke to LAP certification, stating that the solution is to have Palm Beach County manage the project (NW 12<sup>th</sup> Avenue), as they are LAP certified. Ms. Haynie concluded her comments by advising that the \$5 million in funding for NW 12<sup>th</sup> Avenue must be spent on a transportation project within the City in the next three years.

Council Member Hager reported that the City received the highest bond rating for all of its bonds and extended compliments to the City Manager, staff, and his colleagues. Mayor Whelchel followed up by asking the City Manager to prepare a presentation on the dollar value of the bond rating and fiscal responsibility so that residents might understand what the bond rating really means.

The City Manager referred to Council Member Hager's questions related to the pension plans and advised that staff had not yet received the reports for the last fiscal year, which would provide a better idea of costs for next year's budget. He stated that the pension plans are dramatically affected by the stock market, which is not performing well, and losses in the 10% to 12% range in the pension funds were anticipated. Mr. Ahnell explained that the bigger concern is Fiscal Year 2010/11, should the market not perform better; details were provided. It was hoped that the market would begin to improve by the end of this fiscal year, which would offset some of last year's losses that haven't been recognized yet. He then responded to additional questions from Council Member Hager.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:25 p.m. on Monday, February 23, 2009.

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Vanessa Hines, Assistant City Clerk